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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,077	11/13/2003	Philippe Rouault	0503-1076-1	7276
466	7590	02/02/2006	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			SHAW, CLIFFORD C	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/706,077

Applicant(s)

ROUAULT ET AL.

Examiner

Clifford C. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 9-12 is/are allowed.
- 6) ☒ Claim(s) 5-8 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

1.) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2.) Claims 5-8 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sicard et al. (4,697,239, cited by applicant) taken with the pre-grant publication to Manicke et al. (2002/0107825, cited by applicant). The patent to Sicard et al. (4,697,239) discloses a welding assistance method including steps of providing information to a user from a database related to a welding problem and on the basis of this information having a computer control the welding process (see column 2, lines 1-45, especially items (b) and (c) in Sicard et al. (4,697,239)). The claims differ from Sicard et al. (4,697,239) in calling for a specific type of query to the welding information database prior to the welding step. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used any well known information retrieval approach in the system of Sicard et al. (4,697,239). In particular, it would have been obvious to have used an approach with the features claimed, the motivation being the teachings of the pre-grant publication to Manicke et al. (2002/0107825) that such is advantageous for retrieving welding related information (see figure 2 and the discussion thereof in the pre-grant publication to Manicke et al. (2002/0107825) where the type of heat treatment process to be implemented is selected from the list of documents shown at element 22, an indication as to treatment parameters is made at element 50, and a proposal of information related to the user provided information is made at element 52). In

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regard to applicant's foreign priority date and the effective date of the pre-grant publication to Manicke et al. (2002/0107825) (i.e., 06 February 2001), applicant is to note that the foreign priority document (and English translation) submitted in the parent case does not encompass the computer control aspects of the subject matter claimed in the instant continuation-in-part application. The effective date for the claimed subject matter is considered to be the filing date of the instant application, namely 13 November 2003.

3.) Claims 1-4 and 9-12 are allowable over the prior art of record. None of the prior art of record teaches or suggests a welding assistance method as set forth in independent claims 1 and 9 including an information request with the combined first, second, and third indications as claimed, particularly the indication directed to a technical problem to be solved in combination with the other indications. The dependent claims are allowable at least because they depend from independent claims 1 and 9.

4.) Applicant's arguments filed on 11/28/2005 have been fully considered but they are not persuasive. Applicant argues that the present application is entitled to a European priority date, namely 12/8/200, thereby obviating the rejection based on Manicke et al. This argument is not persuasive. The instant case is a continuation-in-part of parent case 10/006,664. As a general principle, a continuation-in-part includes new matter not disclosed in its parent, in addition to commonly disclosed matter. Any priority dates associated with the parent case would apply to the continuation-in-part application only for the commonly disclosed subject matter; the new matter portion of the continuation-in-part does not enjoy the parent case priority but instead

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relies on its own filing date (see section “B” of MPEP 201.11 that states in relevant part, “... if a claim in a continuation-in-part application recites a feature which has not disclosed or adequately supported by a proper disclosure under 35U.S.C.112 in the parent nonprovisional application, but which was first introduced or adequately supported in the continuation-in-part application, such a claim is entitled only to the filing date of the continuation-in-part application”). The instant application discloses and claims features directed to computer-mediated control of a welding process in addition to features associated with a computer providing information relative to a welding process. As far as Examiner can determine, there is no disclosure in the parent application or in the English translation of the parent foreign priority documents of the claimed limitations directed to computer-mediated control. If applicant thinks that Examiner is incorrect in this assessment, he is to point out where the priority document discloses the computer-mediated control features.

**5.) THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

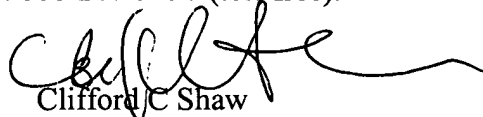
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Clifford C Shaw  
Primary Examiner  
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February 1, 2006